

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

APR 15 2 04 PM '04

U.S. DISTRICT COURT
DISTRICT OF MASS.

ZONEPERFECT NUTRITION COMPANY

Plaintiff,

v.

HERSHEY FOODS CORPORATION,
HERSHEY CHOCOLATE &
CONFECTIONERY CORPORATION, and
BARRY D. SEARS,

Defendants.

04 10760 REK

CIVIL ACTION
NO.

**MOTION FOR EXPEDITED CASE MANAGEMENT ORDER
AND PROMPT TRIAL DATE**

For the reasons set forth in the memorandum accompanying this motion, ZonePerfect Nutrition Company ("ZonePerfect"), by its undersigned attorneys, hereby moves that this Court adopt the following expedited discovery and trial schedule as the Fed. R. Civ. P. 16(b) Case Management Order for this matter and thereby waive the parties' obligations under Fed. R. Civ. P. 26(f) and Local Rule 16.1:

1. On or before **Monday, May 3, 2004**: Defendants shall respond to the Complaint in this action.
2. On or before **Monday May 3, 2004**: Exchange automatic disclosures.
3. On or before **Monday May 3, 2004**: Interrogatories and document requests served.
4. Responses to interrogatories and document requests shall be produced within 14 days of service.

5. On or before **Friday, May 7, 2004**: Amendment to Pleadings and Joinder of Additional Parties, if any.
6. On or before **Tuesday, June 1, 2004**: All fact discovery-related motions shall be served.
7. On or before **Tuesday, June 1, 2004**: Rule 26(a)(2) expert designations and related disclosures made.
8. On or before **Monday, June 14, 2004**: Requests for admissions served.
9. On or before **Wednesday, June 30, 2004**: Completion of all discovery.
10. On or before **Friday, July 9, 2004**: Pre-trial submissions presented to Court.
11. On or before **Thursday, July 15, 2004**: Trial scheduled.

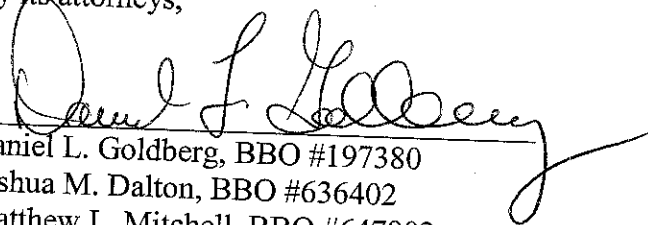
REQUEST FOR HEARING

ZonePerfect requests that this Court conduct a hearing on this Motion.

WHEREFORE, Plaintiff respectfully requests that the Court enter the attached expedited discovery and trial schedule as the Fed. R. Civ. P. 16(b) Case Management Order for this matter and waive the parties' obligations under Fed. R. Civ. P. 26(f) and Local Rule 16.1.

ZONEPERFECT NUTRITION COMPANY

By its attorneys,



Daniel L. Goldberg, BBO #197380

Joshua M. Dalton, BBO #636402

Matthew L. Mitchell, BBO #647902

BINGHAM MCCUTCHEN LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

Date: April 15, 2004